# United States District Court

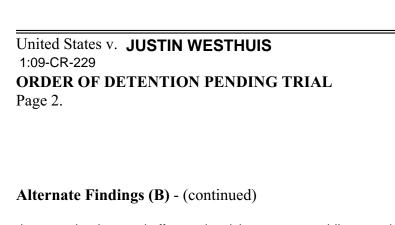
## WESTERN DISTRICT OF MICHIGAN

#### **UNITED STATES OF AMERICA**

### **ORDER OF DETENTION** PENDING TRIAL

JUSTIN WESTHUIS	Case Number:	1:09-CR-229	

JUS	TIN	WESTHUIS	Case Number. 1.09-CR-229		
requir	In ac	cordance with the Bail Reform Act, 18 U.S.C detention of the defendant pending trial in the	.§3142(f), a detention hearing has been held. I conclude that the following facts nis case.		
		Pari	t I - Findings of Fact		
	(1)	The defendant is charged with an offense	e described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal ave been a federal offense if a circumstance giving rise to federal jurisdiction had		
		a crime of violence as defined in 18 U	J.S.C.§3156(a)(4).		
			entence is life imprisonment or death.		
		an offense for which the maximum to	erm of imprisonment of ten years or more is prescribed in		
		a felony that was committed after the U.S.C.§3142(f)(1)(A)-(C), or compara	defendant had been convicted of two or more prior federal offenses described in 18 lble state or local offenses.		
	(2)		mitted while the defendant was on release pending trial for a federal, state or local		
	(3)	offense. A period of not more than five years has elaps the offense described in finding (1).	since the (date of conviction) (release of the defendant from imprisonment) for		
	(4)		uttable presumption that no condition or combination of conditions will reasonably and the community. I further find that the defendant has not rebutted this		
		Alt	ernate Findings (A)		
×	(1)	There is probable cause to believe that the	defendant has committed an offense		
		for which a maximum term of imprise under 18 U.S.C.§924(c).	onment of ten years or more is prescribed in 21 U.S.C. § 801 et seq		
X	(2)	The defendant has not rebutted the presum	option established by finding 1 that no condition or combination of conditions will defendant as required and the safety of the community.		
		Alt	ternate Findings (B)		
	(1)	There is a serious risk that the defendant w	• •		
X	(2)	There is a serious risk that the defendant w	vill endanger the safety of another person or the community.		
		Defendant is unemployed. He is presently	on bond to state court and turned himself in on the federal charges.		
		substances, driving offenses and others, de he failed to report from August to Decembe	y for being only 24 years old. In addition to a number of convictions for controlled efendant has failed to abide by the supervision of the court. While on probation, or 2002, and failed to complete community service. He failed to appear for court issued for his arrest. In December 2003, (continued on attachment)		
		Part II - Written St	atement of Reasons for Detention		
find that t	he cr	edible testimony and information submi	itted at the hearing establishes by clear and convincing evidence that		
Alternat presend	tively ce in	, the court finds by a preponderance of court in light of his repeated failures to a	e the defendant's presence based on the unrebutted presumption. the evidence that no condition or combination of conditions will assure his abide by previous court supervision as demonstrated by his repeated n on this occasion does not outweigh (continued on attachment)		
		Part III - Dii	rections Regarding Detention		
facility s defendar or on red	epara nt sha quest	ndant is committed to the custody of the At	torney General or his designated representative for confinement in a corrections is awaiting or serving sentences or being held in custody pending appeal. The private consultation with defense counsel. On order of a court of the United States is on in charge of the corrections facility shall deliver the defendant to the United		
Dated:	Au	gust 25, 2009	/s/ Hugh W. Brenneman, Jr.		
24.04.		<u> </u>	Signature of Judicial Officer		
			Hugh W. Brenneman, United States Magistrate Judge		
			Name and Title of Judicial Officer		



he committed several offenses involving weapons while on probation for a drug charge. As recently as May of this year, he failed to appear for jury selection, resulting in a bench warrant being issued.

Defendant has smoked marijuana virtually daily for the past nine years and needs intensive drug supervision.

Defendant presently has drug charges in the state court, as well as a charge of fleeing police, third degree.

Defendant is unemployed.

#### Part II - Written Statement of Reasons for Detention - (continued)

this record and the unpredictability caused by defendant's substance abuse problem.